

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO.: 3:04CV50-MU**

**GRACE R. WALDON and
ENVIRONMENTAL WATER
SOLUTIONS, INC.,**

Plaintiffs,

v.

DANNY L. BURRIS, et al.,

Defendants.

ORDER

THIS MATTER is before the Court based on the jury verdict in favor of the Plaintiffs, decided on October 15, 2008. The Jury found that Defendant DynPar LLC conspired with Defendant Dan Burris to facilitate a fraud being perpetrated on the Plaintiffs to avoid a judgment which had been entered in Union County, North Carolina, against Dan Burris and EWSI-OK.

The underlying case is a previous Union County Superior Court Judgment in favor of Plaintiffs Grace Waldon and Environmental Water Solutions, Inc., a North Carolina Corporation (EWSI-NC) involving fraud. Grace Waldon and EWSI-NC obtained judgments for \$250,000 and \$1,826,102.50, respectively. Certified copies of the Union County judgment calculations showing the judgment amount plus interest (\$350,986.30 and \$2,563,747.84) as of October 16, 2008 are **ORDERED** incorporated as exhibits #1 and #2.¹

¹The jury verdict was entered on October 15, 2008, therefore, this judgment will reflect the October 16th amount minus the daily interest (\$350,986.30 - \$54.7945 = **\$350,931.5055** for Grace Waldon's October 15, 2008 judgment and \$2,563,747.84 - \$400.2416 = **\$2,563,347.5984** for EWSI-NC's October 15, 2008 judgment).

North Carolina law recognizes a cause of action for facilitation of fraud, which is a type of conspiracy. *Nye v. Oates*, 96 N.C. Ct. App. 343, 346-47, 385 S.E.2d 529, 531-32 (1989). “When a cause of action lies for injury resulting from a conspiracy, all of the conspirators are liable, jointly and severally, for the act of any one of them done in furtherance of the agreement.” *State ex rel. Long v. Petree Stockton*, 129 N.C. Ct. App. 432, 447, 499 S.E.2d 790, 799 (1998). Therefore, Defendant Dynpar LLC is jointly and severally liable with the Defendant Dan Burris for the underlying Union County judgments.

IT IS THEREFORE ORDERED THAT the Clerk of Court prepare a judgment that: (1) Plaintiffs claims against Defendants Carol Burris, DynCorp, and Computer Sciences Corporation are dismissed; and (2) that Grace Waldon have and recover of the Defendant DynPar the sum of \$350,931.5055 and that EWSI-NC have and recover of Defendant DynPar the sum of \$2,563,347.5984.

Signed: October 17, 2008

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

